

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AL MCZEAL,

Plaintiff,

vs.

WASHINGTON MUTUAL BANK, *et al.*,

Defendants.

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CIVIL ACTION H-06-0876

ORDER

Before the court is the plaintiff's motion to consolidate (Dkt. 29) this case with Civil Action No. H-06-0897, presently pending before Judge Gilmore.

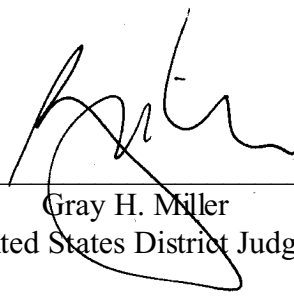
Pursuant to the Local Rules of the United States District Court for the Southern District of Texas, a motion to consolidate must be filed in the "oldest case." *See* S.D. Tex. L.R. 7.6 B. However, "[t]he term 'oldest case,' as used in this Rule, means the case filed first in any court, state or federal, including cases removed or transferred to this Court." *See* S.D. Tex. L.R. 7.6 D.

Civil Action H-06-0876 was filed in this court on March 16, 2006 by plaintiff, Al McZeal. However, Civil Action H-06-0897, which was removed to Judge Gilmore's court on March 17, 2006, was originally filed in the Justice Court of Harris County, Texas, Precinct 4, Position 1 on March 3, 2006. *See* Dkt. 1, Ex. B (Notice of Removal in Civil Action H-06-0897).

Thus, although Civil Action H-06-0897 has a higher federal court case number, it is the "oldest case" under the Local Rules and the motion to consolidate must be filed in that case with a courtesy copy furnished to this court.

Therefore, the plaintiff's motion to consolidate is DENIED without prejudice to it being refiled in Civil Action H-06-0897. The court will also dispose of the plaintiff's motions for default judgment (Dkt Nos. 46, 47). Both are DENIED.

Signed on August 2, 2006, at Houston, Texas.



Gray H. Miller
United States District Judge